

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

ANTWAN JAMAR KELLY,
JESSICA MARIE KELLY,

CHAPTER 13
CASE NO. 18-53011-MBM
JUDGE MARCI B. MCIVOR

DEBTORS.
_____ /

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM FILED BY
CREDIT UNION ONE (PACER CLAIM NO. 4-1)**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed by Credit Union One (PACER Claim No. 4-1), and in support thereof states as follows:

1. The Proof of Claim filed by Credit Union One (PACER Claim No. 4-1), does not attach appropriate documentation in support of its claim as required by Federal Rule of Bankruptcy Procedure (3001).

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court allow the Proof of Claim filed by Credit Union One (PACER Claim No. 4-1), as an unsecured non-priority claim in its entirety, and grant any other and further relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to Credit Union One.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: January 9, 2019

By: /s/ Thomas D. DeCarlo
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee,
David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
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IN RE:

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**(PROPOSED)
ORDER SUSTAINING TRUSTEE'S OBJECTION TO PROOF OF CLAIM
FILED BY CREDIT UNION ONE (PACER CLAIM NO. 4-1)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Trustee's Objection to Proof of Claim filed by Credit Union One (PACER Claim No. 4-1) is SUSTAINED. The Proof of Claim filed by Credit Union One (PACER Claim No. 4-1) is allowed as an unsecured non-priority claim in its entirety;

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

ANTWAN JAMAR KELLY,
JESSICA MARIE KELLY,

DEBTORS.

CHAPTER 13 Proceeding
CASE NO. 18-53011-MBM
JUDGE MARCI B. MCIVOR

AKA or DBA (if any):
Jessica Marie Elmore

Address(es):
7327 Helen
Center Line, MI 48015-0000

7327 Helen
Center Line, MI 48015-0000

Social Security Number(s):
XXX-XX-7885 XXX-XX-9443

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF OBJECTION TO CLAIM FILED BY CREDIT UNION ONE (PACER CLAIM NO. 4-1)

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before February 14, 2019, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Moran Law, 25600 Woodward Ave, Suite 201 Royal Oak, MI 48067-0000
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076
CREDIT UNION ONE, 400 E. NINE MILE ROAD, FERNDALE, MI 48220

2. Attend the hearing on the objection, scheduled to be held on February 21, 2019, at 9:00 a.m., in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: January 9, 2019

By: /s/ Thomas D. DeCarlo
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Antwan Jamar Kelly,
Jessica Marie Kelly,

DEBTORS.

CHAPTER 13
CASE NO. 18-53011-MBM
JUDGE MARCI B. MCIVOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF
CLAIM FILED BY CREDIT UNION ONE (PACER CLAIM NO. 4-1)**

I hereby certify that on January 9, 2019, I electronically filed the Trustee's Objection to the Proof of Claim filed by Credit Union One (PACER Claim No. 4-1) With (Proposed) Order Sustaining Trustee's Objection To Proof of Claim filed by Credit Union One (PACER Claim No. 4-1), Notice of Objection to Claim filed by Credit Union One (PACER Claim No. 4-1) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

MORAN LAW
25600 WOODWARD AVE
SUITE 201
ROYAL OAK, MI 48067-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

ANTWAN JAMAR KELLY
JESSICA MARIE KELLY
7327 HELEN
CENTER LINE, MI 48015-0000

CREDIT UNION ONE
400 E. NINE MILE ROAD,
FERNDAL, MI 48220

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755